

P&G Case 8303M

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of :
JAMES EARL TROUT, et al. :
Serial No. 09/982,773 : Group Art Unit: 1761
Confirmation No. 8461 : Examiner: Paden, Carolyn A.
Filed: October 18, 2001 :

For LOW-MOISTURE, REDUCED FAT, LIPID-BASED FILLINGS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

TERMINAL DISCLAIMER

Petitioner, The Procter & Gamble Company, is the owner of the entire right, title and interest in the above-identified application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer, of copending U.S. Application No. 09/982,703, filed October 18, 2001; or copending U.S. Application No. 09/982,745, filed October 18, 2001. The evidentiary documents for the assignments have been reviewed, and petitioner certifies that to the best of petitioner's knowledge and belief, title is in the assignee to take this action. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and any patent granted on copending U.S. Application No. 09/982,703, filed October 18, 2001; or copending U.S. Application No. 09/982,745, filed October 18, 2001, are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of the prior patent or copending application, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all

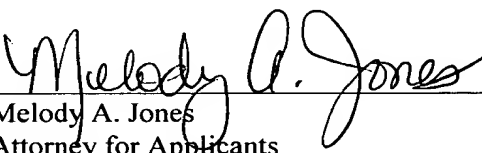
claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Authorization is given to charge Deposit Account No. 16-2480 for any necessary fee required under 37 CFR §1.20(d) for submission of this Terminal Disclaimer.

Respectfully submitted,

By 
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November 20, 2003

Customer Number 27752